

**AGENDA:** October 8, 2002

**5.1**

**CATEGORY:** Public Hearing

**DEPT.:** Community Development

**TITLE:** Appeal of Conditional Use Permit for  
Moorpark Way/East Dana Street  
Child-Care Center

### **RECOMMENDATION**

1. Approve the Initial Study and Mitigated Negative Declaration of Environmental Impact in accordance with the California Environmental Quality Act (CEQA).
2. Adopt A RESOLUTION UPHOLDING THE ZONING ADMINISTRATOR'S DECISION TO APPROVE A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW APPROVAL TO CONSTRUCT A 9,517 SQUARE FOOT CHILD-CARE CENTER AT THE NORTHEAST CORNER OF MOORPARK WAY AND EAST DANA STREET IN THE AGRICULTURAL ZONING DISTRICT, to be read in title only, further reading waived.

**FISCAL IMPACT**—None.

### **BACKGROUND AND ANALYSIS**

At the July 24 Zoning Administrator Meeting, Rockwell Homes was granted approval for a Conditional Use Permit and Development Review approval for a day-care center to serve up to 168 two- to five-year-old children. The proposed project is located on a one-acre site at the northeast corner of Moorpark Way and Dana Street in the Agricultural Zoning District.

On August 9, Monte and Debbie Kenison of 410 Foxborough Drive appealed this approval citing "many issues—traffic flow is very important. Noise, pollution" (see Attachment 2).

### **PROPOSED PROJECT**

#### **Site Description**

The subject property is a 1.05-acre vacant site located in the Agricultural Zoning District. The property is bounded by Dana Street to the west, Moorpark Way to the south and Highway 237 to the northeast. The property west of Dana Street is zoned R3-1.25 and includes a multi-family residential project (Dana Garden Apartments) that faces the proposed day-care facility. The property south of Moorpark Way is zoned R1-10L and includes single-family homes that face Foxborough Drive and back up to Moorpark Way. At the northern

perimeter of the subject site, the land slopes down to Highway 237 which passes under East Dana Street. An exit from Highway 237 onto Moorpark Way bounds the property to the east. East of the exit are St. Stephen's Lutheran Church and the Western Montessori Day School. The appellants live at 410 Foxborough Drive (see Attachment 3).

#### Description of Project—Site Plan and Architectural Design

The proposed day-care facility includes two one-story classroom buildings (with eight classrooms) and an administration building totaling 9,517 feet. The buildings frame a 12,340 square foot outdoor play area. Vehicular access to the site is provided off Dana Street via a two-way driveway and an internal loop drive provides access around the entire site for both passenger vehicles and fire trucks. There is a drop-off area at the end of the loop drive adjacent to the entrance to the administration building. A total of 35 parking spaces are provided on-site. A sound wall surrounds the property on three sides (see Attachment 4). The hours of operation for the proposed day-care facility are from 7:00 a.m. to 6:00 p.m., Monday through Friday.

Day-care centers are allowed with approval of a Conditional Use Permit in Agricultural Zoning Districts. Permitted uses in this zone include agricultural uses and public parks. Other conditional uses include churches, recreation facilities, dairy farms, kennels, cemeteries and vet clinics. The development meets all the City Zoning Code standards for setbacks, floor area, parking and height.

#### Planning Process/Zoning Hearings

Rockwell Homes originally submitted their application on March 8, 2001. This application was for an 11,220 square foot day-care center to serve 204 children. In addition, the applicant was requesting a variance for a 10' rear yard setback in lieu of 20' and a Heritage Tree Removal Permit to eliminate three Heritage trees.

Staff and members of the public had initial concerns regarding the size of the facility (measured by the number of children), the close proximity of the driveways to the Moorpark Way/Dana Street intersection and the adequacy of the on-site circulation to accommodate the number of parents and employees. Based on these concerns, Rockwell Homes withdrew their application to allow additional time to redesign. They hired an outside child-care consultant, the International Child Resources Institute (ICRI), to ensure that the proposed project design and layout would function safely and efficiently for the number of children attending the facility.

As a result, Rockwell Homes reduced the number of children to 168 (eliminating 36 slots), located the entry/exit driveway 210' from the intersection of Moorpark Way and Dana Street and provided an internal loop drive so that any vehicle stacking would occur on-site. They

also redesigned the site layout to eliminate the need for the Variance and Heritage Tree Removal Permit.

Rockwell Homes submitted new plans on December 18, 2001.

Zoning Administrator meetings were held on January 23, 2002, February 27, 2002 and July 24, 2002, during which time the project and studies were reviewed and analyzed. Approximately 10 members of the public spoke at one of these three meetings (see Attachment 5).

The appellant's concerns have focused on a number of issues, but most particularly squaring off the intersection of Moorpark Way and Dana Street, traffic, on-site circulation, noise and pollution.

These issues were analyzed in independent studies prepared for this project, including a noise analysis, traffic analysis, circulation analysis and several soils analyses. In addition, staff consulted with outside governmental agencies and hired David Powers & Associates, an independent environmental firm, to perform peer review. Attachment 1 analyzes the issues raised through the Zoning Administrator hearings and the results of the independent studies. No evidence was found that the proposed project would have any significant noise, traffic or pollution impacts to the children or adjoining residential properties.

Due to neighborhood concern regarding vehicle congestion, staff is proposing to add Planning Condition No. 30, requiring the applicant to stagger the drop-off and pick-up times and provide curbside assistance for loading and unloading of children. Although on-site circulation was not considered a significant impact, this condition will ensure that there is minimal to no vehicle stacking on-site when the facility is operating at full capacity (see Attachment 10).

## **CONCLUSION**

Staff has been working with the developer and neighborhood over the last 18 months to develop a proposal that will function well for child care and be compatible with the adjacent residential neighborhood. Based on the numerous consultant reviews of this proposal, the project was conditionally approved at the July 24 Zoning Administrator meeting. Staff believes that the proposed project will not have a significant impact on the neighborhood and that the location, size, design and operating characteristics are compatible with the site and building character and environmental conditions of existing and future land uses in the area. The proposed day-care facility will provide a needed service to parents who work and live in the vicinity, where land values are prohibitively expensive to develop child-care centers. This use will also help implement General Plan Policy 21.1 to encourage child-care centers near major transportation routes and employment centers. As a result, staff is recommending that

**AGENDA:** October 8, 2002

**PAGE:** 4

the City Council conditionally approve the day-care center with the addition of Planning Condition 30.

**ALTERNATIVES**

1. Modify the proposed conditions of approval for the project.
2. Request that the project be referred to the Development Review Committee and Zoning Administrator for modifications to the project (i.e., design/layout; number of children, etc.) and/or additional environmental studies.
3. Deny the project, finding that a day-care center is not appropriate at this location.

**PUBLIC NOTICING**

For the Zoning Administrator hearings, the property owners and residents within 300' were notified and businesses within 1,000' were notified.

An agenda was posted and the project was published in the local newspaper.

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Approved by:

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MF/9/CAM  
848-10-08-02M-E^

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- Attachments:
1. Issues Raised through the Zoning Administrator's Hearing Process
  2. Appeal Letter
  3. Location Map
  4. Site Plan and Elevations
  5. Zoning Administrator Minutes for January 23, 2002, February 27, 2002 and July 24, 2002
  6. Noise Analysis
  7. Supplemental Noise Letter
  8. LOS Table from TIA
  9. Supplemental Circulation Analysis
  10. Additional Condition of Approval Regarding Staggering Hours and Curbside Assistance
  11. Resolution and Conditions of Approval dated August 1, 2002
  12. Initial Study and Mitigated Negative Declaration

**AGENDA:** October 8, 2002

**PAGE:** 6

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